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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10,007,390	10/22/2001	Reiner Gross	GR 00 P 19937	9813

7590

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EXAMINER

EASTHOM, KARL D

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 08/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/007,390

Applicant(s)

Gross

Examiner

Karl Easthom

Art Unit

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The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1) Responsive to communication(s) filed on \_\_\_\_\_

2a) This action is **FINAL**. 2b) ☒ This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

4) ☒ Claim(s) 1-7 \_\_\_\_\_ is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-7 \_\_\_\_\_ is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are a) \_\_\_\_\_ accepted or b) \_\_\_\_\_ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) \_\_\_\_\_ approved b) \_\_\_\_\_ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

☒ A) b) Some\* c) None of:

1) ☒ Certified copies of the priority documents have been received.

2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s).

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s)

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6) Other

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1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not seen how the resistor can include other structural parts and a barrier between adjacent structural parts where there is no depiction for the structural relationship claimed. That is, a resistor is claimed, not its surroundings, but surroundings seem to be claimed, so that the claim is not clear. In claim 6, it is not seen how the leads can be both rolled and parallel as claimed in claim 1 above.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is insufficient disclosure for reasons noted above.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith, Jr. Smith discloses the claimed invention at Fig 8 with resistance zone 22, power supply leads 26', 27', connections 15, 20 or the bonding described (col. 4, lines 45-55), and insulating layer 54. In claims 2-3, the other insulating layer is 51, and the conductive layer is 52. In claim 6, the leads are stacked when the device is on its side. In claim 7, the barrier is the air between 52 and 51 with ambient and the resistor adjacent parts producing heat or cold.

7. Claims 1-3 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ting et al. Ting discloses the claimed invention at Fig 1 with resistance zone 3, power supply leads 11, 9, connections solder (col. 2, line 8), insulating layer 9, or 17. In claims 2-3, the other insulating layer is 19 with conductive layer 1. In claim 7, the barrier is the case 1 which may be phenolic resin as noted at col. 2, lines 1-5. The environment or surroundings produce heat, where the claimed resistor is interpreted as not including other structural parts.

8. Claims 1 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by McLaughlin. McLaughlin discloses the claimed invention at Fig 2 with resistance zone 2, power supply leads 3', parallel at Fig. 2 since it is a piece of metal, connections 8, (or leads 8 and connections 3'), and insulating layer 1 between 3' and 8 with the connections designed as connection contacts 7. In claim 6, the leads are stacked. In claim 7, the barrier is 5, an enamel that is thermally nonconductive to a degree since it does not allow air into the device which would otherwise conduct more heat, and where no material is totally nonconductive.

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9. Claims 1 and 4-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mazzochette. Mazzochette discloses the claimed invention at Figs. 1-4 with resistance zone 36, coaxial leads 48, 50, insulating layer 54 (being a good thermal conductor where it is hatched as plastic and good is a term of degree), with ends of 48, 40 designed as power supply leads which is the end of a coaxial cable. In claim 4, the twisted pair disclosed at col. 3, line 18 is interpreted as intermeshed, where the term is construed broadly.

10. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagai (JP 2-275601). Nagai discloses the claimed invention at Fig. 1 where the leads are in two parts, 3 and 22, such that the parts 22 are intermeshed and parallel, meeting claims 1 and 4. The resistance zone is 23 with connections between 3 and 22 or between 22 and 23. The insulating layer is 4.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
**KARL D. EASTHOM**  
**PRIMARY EXAMINER**